

### **Remarks/Arguments**

The Examiner is thanked for the careful review of this Application and for issuing a new non-final office action, based on the new grounds.

Claims were amended and some were cancelled. The cancellation and amendments were done to better target the claimed subject matter toward an embodiment of the disclosed invention. Namely, the claims now define structural features, not found in the prior art. The now claimed structural features are, in this application, directed toward aspects of Figure 4. The Applicant reserves the right to file a continuation application directed toward the cancelled claims, at a later time, if so desired.

### **Rejections under 35 U.S.C. § 103:**

The Office rejected claims 1, 3-13, 15-25, 27-32 and 34 under 35 U.S.C. § 103(a) as being unpatentable over Rowland (US 2002/0129264 A1). This rejection is traversed, in view of the clarifying amendments presented herein.

The Office's notice taken in section 6.1 of the Office Action, regarding signature verification protocols being well known is traversed. Although encryption technology is not proposed to be new, it is the way and form of its claimed use, in combination with the other claim elements, which are regarded to be inventive.

For the purpose of clarity, the Applicant has amended the claims, and in so doing, made cancellation of certain claims. The rejection of the now cancelled claims are submitted to be moot.

The Examiner's response to the Applicant's comments regarding Rowland were appreciated, and considered. However, the Applicant maintains the position that Rowland only teaches systems that enable monitoring of LKM's that have been loaded and are operating on some computer over a network. The LKM agent therefore roams the network and attempts to identify LKM code that might be suspicious. This is contrary to what is now claimed. Specifically, the claims are directed toward a system that includes a kernel module signature verification system that verifies kernel module signature information of each kernel module as they are loaded onto the system--not somewhere on the network.

Additionally, the claims have been amended to focus on a system having both a kernel cryptographic framework for verifying said kernel module signature information, and a kernel cryptographic framework daemon. This structure is not disclosed nor suggested by the

cited art. Further, as defined in independent claims 1 and 25, the kernel cryptographic framework retrieves pathname information of said signature information for each of said plurality of kernel modules when said plurality of kernel modules attempt to load up to said kernel to perform cryptographic operations. This functionality is now clearly defined in the claims, and is not described nor suggested by the cited art.

Therefore, in view of the amendments and lack of structural teaching found in Rowland, it is respectfully requested that the Office withdraw the Section 103 rejection.

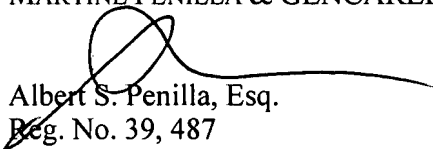
A Notice of Allowance is respectfully requested.

The Applicants respectfully submit that all of the pending claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6903.

**The Commissioner is authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP459), in the amount of \$120.00, for a one month extension.**

If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP459). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
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